

CHARTER TOWNSHIP OF DELTA
Public Meeting Room A
Delta Township Administration Building
7710 West Saginaw Highway
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR
MONDAY, DECEMBER 17, 2012**

I. CALL TO ORDER

Supervisor Kenneth Fletcher called the meeting to order at 6:00 p.m.

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

Members Present: Trustees Karen Mojica, Doug Kosinski, Dennis Fedewa
Treasurer Pizzo, Clerk Clark, and Supervisor Fletcher

Members Absent: Trustee Jeff Hicks

Others Present: Community Development Director Mark Graham, Finance
Director Jeff Anderson, Lt. Jeff Campbell, Fire Chief John Clark,
and Deputy Manager Jenny Roberts

TRUSTEE FEDEWA MOVED THAT TRUSTEE HICKS BE EXCUSED.
TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 6-0.

IV. PRESENTATIONS AND PROCLAMATIONS - None

V. SET/ADJUST AGENDA

TRUSTEE KOSINSKI MOVED THAT THE AGENDA BE APPROVED WITH THE
REMOVAL OF ITEM #7, "DELEGATION AGREEMENT FOR FIREWORKS
INSPECTIONS" FROM THE CONSENT AGENDA.

TRUSTEE FEDEWA SUPPORTED THE MOTION. MOTION PASSED 6-0.

VI. PUBLIC HEARINGS – None

VII. COMMUNICATIONS

1. EATRAN

a. December 12, 2012 Agenda Packet

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA

Matt Radocy, 5108 Grape Arbor Lane, said he was present this evening on behalf of the Health Department and their Community Outreach Group. He wanted to make the Board aware that January was Radon Action Month and that the Health Department would be providing free Radon kits the entire month of January. Mr. Radocy provided the Township with handouts for the public informing them of ways to protect themselves from Radon poisoning.

IX. INTRODUCTION OF ORDINANCES

- 2. Introduction of Amendments to the Delta Township Code of Ordinances – Lt. Campbell** recommends that the Township Board introduce amendments to the Delta Township Code of Ordinance that would include Section 12-5, Accosting.

CLERK CLARK MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AN AMENDMENT TO THE DELTA TOWNSHIP CODE OF ORDINANCES ARTICLE IV OF CHAPTER 28. THIS PROPOSED ORDINANCE WOULD MAKE IT A MISDEMEANOR OFFENSE TO ACCOST A PERSON FOR PURPOSES OF SOLICITING MONEY, GOODS OR OTHER ITEMS OF VALUE AS DEFINED IN SECTION 28-94 IN THE DELTA TOWNSHIP CODE OF ORDINANCES. FURTHER, THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS AND INDICATE THAT THE BOARD WILL CONSIDER FINAL ACTION ON THE AMENDMENT AT THEIR JANUARY 7, 2013 MEETING.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 6-0.

ORDINANCE NO. ____

AN ORDINANCE OF THE CHARTER TOWNSHIP OF DELTA, EATON COUNTY, MICHIGAN PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF DELTA, MICHIGAN, BE AMENDED BY AMENDING IN ITS ENTIRETY SECTION 12-5 ("ACCOSTING") TO ARTICLE I ("IN GENERAL") OF CHAPTER 12 ("OFFENSES") DEFINITIONS; TO MAKE UNLAWFUL BEGGING; PANHANDLING; SOLICITING; REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND PROVIDE AN EFFECTIVE DATE HEREOF. THE TOWNSHIP BOARD OF TRUSTEES FOR THE CHARTER TOWNSHIP OF DELTA HEREBY ORDAINS:

1. Article IV ("In General") of Chapter 28 ("Offenses") is hereby amended in its entirety as follows:

SECTION 28-94 ACCOSTING.

Any person who violates this Section shall be guilty of a misdemeanor subject to imprisonment and a fine as established by Township Resolution.

A. The following words, terms, and phrases shall, for the purposes of this section, have the following meanings:

- 1) Accosting means impede or obstruct the passage of pedestrians, or approach or speak to someone in a manner as would cause a reasonable person to feel intimidated, harassed, threatened, or to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession, while seeking money, food or items of value or sexual relations.
- 2) Public place means governmental owned property, to which the public has access, including but not limited to: any alley, public restroom/toilet facility, sidewalk, street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

B. It shall be unlawful for any person to:

- 1) Accost another for money, food or other things of value in or on private property;
- 2) Accost another in or on a public place; and:
 - (a) In any public transportation vehicle, such as a bus or train, nor where such a vehicle accepts or releases passengers, nor at any bus stop or taxi stand;
 - (b) At any transit, transportation center, or bus station;
 - (c) In any public parking lot or structure, including parking ramps, or public buildings, including under any open-air structure;
 - (d) At any entrance or exit from any public restroom/toilet facility;
 - (e) At any entrance or exit of a bank, credit union, or an automated teller machine (provided that when an automated teller machine is located within another structure, such distance shall be measured from the entrance or exit of that structure);
 - (f) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of a disabled vehicle;
 - (g) From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business, or athletic facility;
 - (h) At any entrance or exit from a building, public or private, including, but not limited to, any residence, business, or athletic facility;

- (i) After sunset nor before sunrise;
- (j) In an aggressive manner; (i) accost or follow a person intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value; (ii) continue to accost from a person after the person has refused such advance or provided a negative response to such conduct; (iii) intentionally touch or cause physical contact with another person without that person's consent; (iv) intentionally block or interfere with the safe or free passage of a person or vehicle by any means; and (v) use violent, profane, or threatening gestures or language toward a person, before, during, or after the act of solicitation.

C. Exceptions. Persons duly authorized or licensed pursuant to Township ordinance.

- 3. Introduction of Amendments to the Delta Township Code of Ordinances – Lt. Campbell** recommends that the Township Board introduce amendments to the Delta Township Code of Ordinance that would include Section 12-8, Curfew for Minors.

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AN AMENDMENT TO THE DELTA TOWNSHIP CODE OF ORDINANCES ARTICLE IV OF CHAPTER 28, CURFEW FOR MINORS. THIS ORDINANCE MAKES IT POSSIBLE FOR DEPUTIES TO ADDRESS PROBLEMS WITH MINORS WHO ARE OUT IN PUBLIC BY PROVIDING LEGAL AUTHORITY TO ARREST THE MINOR FOR CURFEW VIOLATIONS AND PROVIDES LEGAL PROCEDURES FOR DEPUTIES TO FOLLOW TO ENSURE SAFETY OF THE MINORS WHILE NOTIFYING PARENTS AND THE COURTS OF VIOLATIONS. IT ALSO PROVIDES A MEANS FOR PARENTS TO BE HELD LEGALLY RESPONSIBLE FOR FAILING TO EXERCISE REASONABLE CONTROL OVER A MINOR OR AIDS AND ABETS A MINOR IN VIOLATING THIS ORDINANCE AS DEFINED IN SECTION 28-95 IN THE DELTA TOWNSHIP CODE OF ORDINANCES. FURTHER, THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS AND INDICATE THAT THE BOARD WILL CONSIDER FINAL ACTION ON THE AMENDMENT AT THEIR JANUARY 7, 2013 MEETING.

CLERK CLARK SUPPORTED THE MOTION.

Trustee Kosinski expressed concerns with the proposed ordinance and suggested that language contained in 3 (B), "Proof that a minor was upon or in any public street, highway, alley, park, vacant lot or other unsupervised public place in violation of this section shall be prima-facie evidence that the minor's parent or legal guardian allowed or encouraged the minor to violate this section", would be more appropriate under 4 (D). Mr. Kosinski felt the language under 3 (B) created an admittedly rebuttable presumption on the first occurrence of that behavior by a

minor and by inserting the language under 4 (D), it would omit the initial presumption, but it didn't preclude law enforcement bringing affirmative proof that the parent was complicit on the first occurrence, but rather it put the onus on law enforcement to demonstrate that the parent was complicit on the first occurrence following written notice of the parent.

Supervisor Fletcher asked Lt. Campbell if he had any concerns with Trustee Kosinski's proposal.

Lt. Campbell indicated that he was receptive to Trustee Kosinski's request.

Treasurer Pizzo withdrew his motion for introduction and supported by Clerk Clark.

This item would be placed on the Board's January 7th agenda.

X. PASSAGE OF ORDINANCES - None

XI. CONSENT AGENDA

TREASURER PIZZO MOVED THAT THE CONSENT AGENDA BE APPROVED WITH THE REMOVAL OF ITEM #5, MINUTES, AND ITEM #7, DELEGATION AGREEMENT FOR FIREWORKS INSPECTIONS.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

ROLL CALL:

AYES: TREASURER PIZZO, TRUSTEE KOSINSKI, TRUSTEE MOJICA, TRUSTEE FEDEWA, SUPERVISOR FLETCHER, AND CLERK CLARK.

NAYS: NONE

ABSENT: TRUSTEE HICKS

MOTION PASSED 6 TO 0.

4. Bills & Financial Transactions - \$935,345.00

TREASURER PIZZO MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS BE APPROVED IN THE AMOUNT OF \$935,345.00.

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Bond/Debt Payments	\$ 125.00
Investments	\$
Payroll & Related	\$467,504.62
Refunds	\$ 6,612.14
Tax Distributions	\$ 62,145.09
Vendor Claims	\$398,958.15

TRUSTEE FEDEWA SUPPORTED THE MOTION. MOTION PASSED 6-0.

- 6. 2013 Flexible Spending Plan** – The Manager's Office recommends that the Township Board accept the 2013 Flexible Spending Cafeteria Plan administered by Employee Benefit Concepts, Inc.

TREASURER PIZZO MOVED:

BE IT RESOLVED, THAT THE FORM OF CAFETERIA PLAN INCLUDING A DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT AND HEALTH FLEXIBLE SPENDING ACCOUNT EFFECTIVE JANUARY 1, 2013 PRESENTED TO THIS MEETING IS HEREBY APPROVED AND ADOPTED AND THAT THE DULY AUTHORIZED AGENTS OF THE EMPLOYER ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER TO THE ADMINISTRATOR OF THE PLAN ONE OR MORE COUNTERPARTS OF THE PLAN; AND

BE IT RESOLVED, THAT THE ADMINISTRATOR SHALL BE INSTRUCTED TO TAKE SUCH ACTIONS THAT ARE DEEMED NECESSARY AND PROPER IN ORDER TO IMPLEMENT THE PLAN, AND TO SET UP ADEQUATE ACCOUNTING AND ADMINISTRATIVE PROCEDURES TO PROVIDE BENEFITS UNDER THE PLAN; AND

BE IT RESOLVED, THAT THE DULY AUTHORIZED AGENTS OF THE EMPLOYER SHALL ACT AS SOON AS POSSIBLE TO NOTIFY THE EMPLOYEES OF THE EMPLOYER OF THE ADOPTION OF THE CAFETERIA PLAN BY DELIVERING TO EACH EMPLOYEE A COPY OF THE SUMMARY DESCRIPTION OF THE PLAN IN THE FORM OF THE SUMMARY PLAN DESCRIPTION PRESENTED TO THIS MEETING, WHICH FORM IS HEREBY APPROVED.

THE UNDERSIGNED FURTHER CERTIFIES THAT ATTACHED HERETO AS EXHIBITS A AND B, RESPECTIVELY, ARE TRUE COPIES OF DELTA CHARTER TOWNSHIP FLEXIBLE SPENDING PLAN AND THE SUMMARY PLAN DESCRIPTION APPROVED AND ADOPTED IN THE FOREGOING RESOLUTIONS.

TRUSTEE FEDEWA SUPPORTED THE MOTION. MOTION PASSED 6-0.

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION

- 7. Minutes** – December 3, 2012 Regular Board Meeting Minutes and the December 10, 2012 Committee of the Whole Board Meeting Minutes.

Trustee Fedewa said he would like the December 10, 2012 Committee of the Whole Board Meeting Minutes amended to read that “Trustee Fedewa offered a friendly amendment to Trustee Hick’s motion that Trustee Mojica be excused due to the fact that she was away on active duty.

TRUSTEE FEDEWA MOVED THAT THE DECEMBER 10, 2012 COMMITTEE OF THE WHOLE BOARD MEETING MINUTES BE AMENDED TO READ “TRUSTEE FEDEWA OFFERED A FRIENDLY AMENDMENT TO TRUSTEE HICK’S MOTION THAT TRUSTEE MOJICA BE EXCUSED DUE TO THE FACT THAT SHE WAS AWAY ON MILITARY DUTY”.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 6-0.

TRUSTEE KOSINSKI MOVED THAT THE DECEMBER 3, 2012 REGULAR BOARD MEETING MINUTES BE APPROVED AS PRESENTED.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 6-0.

XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA - None

XIV. ITEMS OF BUSINESS

- 8. 2012 4th Quarter Budget Adjustment** - The Finance Director recommends that the Township Board amend the 2012 General Fund budget by approving the increases to both expenditure and revenue accounts per the attached summary.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA AMEND THE 2012 GENERAL FUND BUDGET BY APPROVING THE INCREASES TO BOTH EXPENDITURE AND REVENUE ACCOUNTS PER THE ATTACHED SUMMARY.

CLERK CLARK SUPPORTED THE MOTION.

**Delta Township
2012 Budget - Fourth Quarter Adjustment
Board Meeting December 17, 2012**

		Current	Adjustment	Final
Account	Acct.#	Budget	Debit / (Credit)	Budget

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***General Fund -
Expenditures***

Drains

Repair & Maintenance – Drains	101-445.000- 934.000	504,427	25,000	529,427
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Fire Department

Overtime	101-336.000- 704	55,000	32,000	87,000
Capital Outlay (Life packs, vehicle)	101-336.000- 970	25,000	225,000	250,000

257,000

Clerk's Office

Contract Services- Election Workers	101-215.000- 806	83,600	19,000	102,600
Capital Outlay-Computers	101-215.000- 970	6,000	7,500	13,500
Election Supplies	101-215.000- 742	12,000	55,000	67,000

81,500

Information Technology

Capital Outlay	101-228.000- 970	18,000	35,600	53,600
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General Activity

Capital Outlay (Maycroft House)	101-272.000- 970	10,000	115,400	125,400
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**TOTAL BUDGET ADJUSTMENT TO GF
EXPENDITURES:**

514,500

General Fund - Revenues

Grant Revenue - Federal	101-000.000- 529.000	28,000	162,000	190,000
Grant Revenue - State	101-000.000- 569.000	180,000	43,300	223,300
Reimbursements-Elections	101-000.000- 676.000	1,200	60,000	61,200
State Revenue Sharing	101-000.000- 574.000	2,207,258	125,000	2,332,258

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Building Permit Revenue	101-000.000- 477.000	129,200	124,200	253,400
TOTAL BUDGET ADJUSTMENT TO REVENUES:			514,500	
<u>Net Change to GF Fund Balance</u>			-	

Township Finance Director Jeff Anderson said there were times throughout the year when it was necessary for the Township to make adjustments to the approved budget. He noted that the Township's Budget and General Fund were approved by departmental activity and in order to comply with State law, the Township needed to stay within those spending limits on a departmental level versus a line by line level. Mr. Anderson noted that the budget adjustment would put the Township in compliance with State law for the end of the year. Mr. Anderson proceeded to review the revenue and expenditure budget adjustments line by line that were presented to the Board this evening.

MOTION PASSED 6-0.

9. **Sponsorship & Referral of Proposed Zoning Ordinance Amendments Pertaining to On-Site Stormwater Facilities** - The Community Development Department recommends that the Township Board sponsor proposed Zoning Ordinance text amendments pertaining to On-Site Stormwater Management Facilities in Section 19.10.0 A (10) of the Delta Township Zoning Ordinance.

TRUSTEE FEDEWA MOVED THAT THE DELTA TOWNSHIP BOARD SPONSOR PROPOSED ZONING ORDINANCE TEXT AMENDMENTS PREPARED BY STAFF PERTAINING TO ON-SITE STORMWATER MANAGEMENT FACILITIES IN SECTION 19.10.0 A.(10) OF THE DELTA TOWNSHIP ZONING ORDINANCE, AND DESCRIBED IN CASE NO. 12-12-16; AND REFER THE PROPOSED AMENDMENTS TO THE PLANNING COMMISSION FOR THE PURPOSES OF HOLDING A PUBLIC HEARING AND SUBMITTING A RECOMMENDATION TO THE TOWNSHIP BOARD.

TRUSTEE KOSINSKI SUPPORTED THE MOTION. MOTION PASSED 6-0.

10. **Letter of Understanding between Delta Township, Looking Glass Regional Fire Authority, Township of Eagle, and Charter Township of Watertown** - The Manager's Office recommends that the Township Board approve the Letter of Understanding to modify the term of the Agreement to have the effective dates coincide with the calendar year.

CLERK CLARK MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE LETTER OF UNDERSTANDING BETWEEN DELTA CHARTER TOWNSHIP, LOOKING GLASS REGIONAL FIRE AUTHORITY, TOWNSHIP OF EAGLE, AND THE CHARTER TOWNSHIP OF WATERTOWN.

TREASURER PIZZO APPROVED THE MOTION. MOTION PASSED 6-0.

11.2013 Position Adjustment – Parks, Recreation & Cemeteries Department -

The Manager's Office recommends that the Township Board approve the reinstatement of the full-time Department Secretary position in the Parks, Recreation, and Cemeteries Department for the 2013 fiscal year.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA REINSTATE THE POSITION OF FULL-TIME DEPARTMENT SECRETARY IN THE PARKS, RECREATION, AND CEMETERIES DEPARTMENT FOR THE 2013 FISCAL YEAR; AND FURTHER, MOVE THAT THE TWO PART-TIME CLERK TYPIST POSITIONS FOR THE PARKS, RECREATION, AND CEMETERIES DEPARTMENT WILL BE ELIMINATED FOR THE 2013 FISCAL YEAR.

TRUSTEE FEDEWA SUPPORTED THE MOTION. MOTION PASSED 6-0.

XV. MANAGER'S REPORT

Deputy Manager Jenny Roberts informed the Board of the following:

- The real estate agent the Township was working with had recommended that the Township wait until spring to list the Maycroft property. A full analysis of the property would be done before the property was listed.
- IT personnel were in the process of setting up the Board's iPads they would start using the first of the year.
- The deadline to register for the MTA Conference was December 18th.

XVI. COMMITTEE OF THE WHOLE

XVII PUBLIC COMMENTS

Trustee Fedewa noted that he and Trustee Mojica attended MTA's first training session which he felt was a good initial orientation to township government.

Finance Director Jeff Anderson informed the Board that Personal Property Reform legislature was passed, but he didn't know how it would impact the Township long

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term. He indicated that personal property valued at less than \$40,000 and under would be eliminated on January 1, 2013 which wouldn't have an impact on the Township's 2013 budget, but he estimated that the General Fund would experience a loss of approximately \$62,000 in 2014.

XVIII ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 6:43 p.m.

CHARTER TOWNSHIP OF DELTA

KENNETH FLETCHER, SUPERVISOR

MARY CLARK, CLERK

/as
M:\Regular Board Meeting\BD\MIN\December 17, 2012
Minutes Approved: January 7, 2013